



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Diamondhead, Mississippi**  
**Diamondhead Community Center**  
**January 30, 2013**  
**2:00 p.m.**

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1. **Meeting was called to order** by Chairman, Thomas Sislow.
2. **Roll Call** – The following Commissioners were present: Denise Catone, Nita Hensley, Chuck Garrison, Norm Parker, Thomas Sislow, and Roger Smith. Commissioner Jane Lee was absent. Also in attendance was Zoning Administrator, Deonne Olier; Zoning Official, Bill Carrigee; and current operators of Harbor House Restaurant, John & Karen Buckley.
3. **Minutes were approved** from meeting of December 19, 2012, with motion from Commissioner Parker and second from Commissioner Smith. Motion carried unanimously.
4. **Chairman Sislow** began by giving a brief background of the approval process for Harbor House Restaurant, stating that they had already been approved to take over operation of the restaurant previously known as Hula's with license to serve wine and beer. He explained that there was no need for a DRC Review since the site has already been operating as a restaurant in a Commercial/Resort Zone and no revisions in that status were required. He then opened the floor to other Commissioners who may have questions.

**Commissioner Catone** informed the Buckleys that there are now new noise ordinances in place and inquired about their plans for live music. **Mr. Buckley** replied that they are planning to have live music, but that it would be limited to early hours like 4:00 – 8:00 p.m. Commissioner Catone mentioned that she had spoken with Fire Chief Dubuisson, who informed her that he had no significant concerns with the restaurant. Commissioners were also informed that the fire alarm system is now being monitored. **Mr. Carrigee** stated that although no fire lanes are posted presently, this is being rectified.

**Commissioner Hensley** asked whether any vegetation would be added, since new buffer zone ordinances now state that this should be done if a commercial establishment is adjacent to a residential area. There was brief discussion about whether this would be possible considering the water inlets, and no definite answer was given. **Commissioner Sislow** made them aware that they may receive some complaints from area residents, and if so, would need to make adjustments to address that issue. Commissioner Hensley also mentioned two areas of the lease where there were discrepancies: 1) Page 1, #5 states that lessor would pay utilities, which probably should specify that lessee pays for utilities; and 2) Page 2, in the third paragraph which states that lessor reserves the right to "unreasonably" withhold consent. The Buckley's were encouraged to address this with the POA, or Lessor.

**Commissioner Smith** asked about their hours of operation. Mr. Buckley replied that they were open on Sunday, Monday, Wednesday and Thursday from 11:00 a.m. - 9:00 p.m. and on Friday and Saturday from 11:00 a.m. – 10:00 p.m. The restaurant is closed on Tuesdays.

**Commissioner Garrison** inquired as to why the restaurant opened serving only wine and beer. Mrs. Buckley responded that it was just temporary and that they now have their liquor license. He also commented about the number of risers on the exterior stairway, which exceeds regulations. **Mr. Carrigee** stated that this was a pre-existing structure and non-life threatening and was documented in his initial assessment.

**Commissioner Sislow** interjected that he would like to see a floor plan showing any revisions that had been made since the printed copy in the Commissioners' packets. He also stated that the Buckleys would need the new regulations for signage. In response to question from Mrs. Buckley, he responded that they would not need to come back before the Commission if their sign conformed to the existing regulations.

**Commissioner Parker** asked about the lower bar area, to which Mr. Buckley replied that they are using this for an oyster bar.

**Ms. Olier** then informed the Buckleys that they could apply to the City Manager for a special permit for special events and/or any temporary signs they wished to display.

**Mr. Carrigee** informed the Commission that he and Chief Dubuisson would be conducting final inspections to check on items discussed in the meeting; and that since they had now appeared before the Commission, he could now issue Harbor House a privilege license.

**Chairman Sislow** then asked if the Buckleys had any other questions or remarks for the Commission. Mrs. Buckley stated that they had been successfully operating the Red Zone in Diamondhead for several years and are very experienced at running a restaurant. She specifically mentioned always having someone at the door to check ID's, and that they outsource the training of their employees.

Upon call for a motion to allow the business to continue operation, motion was made by Commissioner Smith and seconded by Commissioner Parker. Votes are as follows:


Commissioner Catone	Yes	Commissioner Parker	Yes
Commissioner Garrison	Yes	Commissioner Smith	Yes
Commissioner Hensley	Yes	Commissioner Sislow	Yes

Motion passed unanimously.

5. After some discussion, it was decided that there would be a **Special Called Meeting** on February 18, 2013, at 1:30 p.m. at Diamondhead Country Club, which will address the revising of Ordinance 2012.003.
6. No one from general public in attendance to address Commission.
7. **Meeting was adjourned** at 3:10 p.m. with motion from Commissioner Parker and second from Commissioner Garrison. Motion passed unanimously.  
Next regularly scheduled meeting will be February 27, 2013, at 2:00 p.m. at City Hall Council Chambers.

Respectfully Submitted,  
*Nita Hensley*  
Acting Recording Secretary

  
Thomas A. Sislow, Chairman

  
Jane Lee, Secretary